IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3049 OF 2003

Surendra S. Jalan & Anr. ....Petitioners
V/s.
Sau.Shakuntala V. Agarwal & Ors. ....Respondents

Mr.Uday Warunjikar for the Petitioners.
Mr.M.L. Patil for Respondent Nos.1 to 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 26TH FEBRUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. The main contention of Respondent Nos.1 to 3 at this stage is that they were not heard when the order dated 16.10.2002 was passed. Without going into the merits of the case including the impugned order, the parties are agreeable that the Original Application under order 26(9) of the C.P.C. may be considered after hearing all the parties including Respondent Nos.1 to 3.

3. In the circumstances, the Original Application (Exhibit 15) shall be heard afresh. The learned Judge shall not be influenced by the observations in the orders passed thus far.

4. The Rule is made absolute accordingly.